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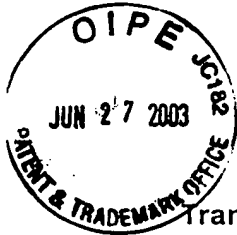
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Translation of Office Action of the German Patent and Trademark Office
of 5/18 February 2003

File Number : 101 09 508.2-43
Your Ref :
Applicant Number : 8513856
Medinol Ltd.

Request for Substantive Examination, date of payment 13 September 2001

Letter of received on

Examination of the above-mentioned patent application has led to the following result.
A term of

4 month(s)

has been granted to receive a response. This term will start on the day of receipt.

Documents that may be attached to the response (e.g. description, parts of the description, patent claims, drawings) are to be submitted in duplicate on separate sheets. The response itself is only required once.

If the description, claims or the drawings are amended in the course of the proceedings, the applicant has to state in detail in which places the features of the invention described in the new documents are mentioned in the original documents.

(X) In this Office Action the following documents have been cited for the first time. (Referencing is also valid for the further proceedings):

- (1) DE 199 57 063 A1
- (2) WO 99/44543 A1
- (3) WO 99/39660 A1
- (4) US 5.855.597 A

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: KEITH J. MCWHA MORGAN & FINNEGAN, LLP. 345 PARK AVENUE NEW YORK, NEW YORK 10154 CASE <u>04303-4005 PC</u> ATTY <u>KJM</u> DUE <u>June 26, 2003 (U.S. Suppl. IDS)</u> 1 mo. call-up <u>May 26, 2003</u> BY <u>J.M.</u>	PCT NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION (PCT Rule 44.1)
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RECEIVED
 2003 APR -2 A 8:
 MORGAN & FINNEGAN LLP

Applicant's or agent's file reference 43003-43003PC1	Date of Mailing (day/month/year) 26 MAR 2003
International application No. PCT/IB02/01743	International filing date (day/month/year) 21 MAY 2002
Applicant MEDINOL, LTD.	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer VY Q. BUI Telephone No. (703) 306-3420
---	---

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 43003-43003PC1	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB02/01743	International filing date (day/month/year) 21 MAY 2002	(Earliest) Priority Date (day/month/year) 25 MAY 2001
Applicant MEDINOL, LTD.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
2. ☐ Certain claims were found unsearchable (See Box I).
3. ☐ Unity of invention is lacking (See Box II).
4. With regard to the title,
- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:
- CASE 4303-4005PC ATTY KJM
DUE April 26, 2003 (Comm. to)
1 mo. call-up _____
5. With regard to the **abstract**,
- ☐ the text is approved as submitted by the applicant.
- ☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. The figure of the drawings to be published with the abstract is Figure No. 3
- ☒ as suggested by the applicant.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.
- ☐ None of the figures.

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

NEW ABSTRACT

An intravascular stent (208) especially suited for implanting in curved arterial portions (210). The stent (208) retains longitudinal flexibility after expansion. The stent (208) is formed of intertwined meander patterns (301 and 312) forming triangular cells (804). The triangular cells (804) are adapted to provide radial support, and also to provide longitudinal flexibility after expansion. The triangular cells (804) provide increased coverage of a vessel wall. The stent (208) can have different portions adapted to optimize radial support or to optimize longitudinal flexibility. Loops in the stent (208) are disposed and adapted to cooperate so that after expansion of said stent within a curved lumen (210), the stent (208) is curved and cells on the outside of the curve open in length, but narrow in width whereas cells on the inside of the curve shorten in length but thicken in width to maintain a density of stent element area which much more constant than otherwise between the inside and the outside of the curve.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IB02/01743

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61F 2/06, A61F 11/00; A61M 29/00.

US CL : 606/108, 191, 192, 194, 195, 198; 623/1.1-1.22, 23.69, 23.7.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 606/108, 191, 192, 194, 195, 198; 623/1.1-1.22, 23.69, 23.7.

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EAST text search

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X ----	US 6,231,598 A (BERRY et al) 15 MAY 2001; Fig. 5, whole document.	1-2, 4, 6-7, 9, 11-12, 14, 16-17, 19, 21-22, 24, 26-27, and 29. -----
Y --	US 6,120,847 A (YANG et al.) 16 SEPTEMBER 2000, abstract, whole document.	3, 5, 8, 10, 13, 15, 18, 20, 23, 25, 28, and 30. -----
Y	US 5,807,404 A (RICHTER) 15 SEPTEMBER 1998; Figs. 2, 9; whole document.	31



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:		"I"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A"	document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E"	earlier document published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Z"	document member of the same patent family
"O"	document referring to an oral disclosure, use, exhibition or other means		
"P"	document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

19 SEPTEMBER 2002

Date of mailing of the international search report

26 MAR 2003

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Authorized officer

VY Q. BUI

Telephone No. (703) 806-8490

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: KEITH J. MCWHA
MORGAN & FINNEGAN, LLP.
345 PARK AVENUE
NEW YORK, NEW YORK 10154

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 43003-43003PC1	Date of Mailing (day/month/year)
International application No. PCT/IB02/01749	International filing date (day/month/year) 21 MAY 2002
Applicant MEDINOL, LTD.	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of an international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

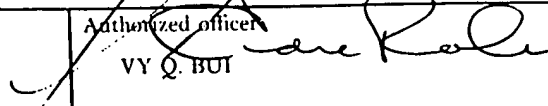
4. **Reminders**

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer VY Q. BUI  Telephone No. (703) 306-3420
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(See notes on accompanying sheet)

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: KEITH J. MCWHA MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154	
CASE <u>04303-4004PC</u>	ATTY <u>KJM</u>
DUE <u>July 28, 2003 (U.S. Supp. IDS)</u>	
1 mo. call-up <u>June 28, 2003</u>	
BY <u>J.M.</u>	

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 4303-4004PC	Date of Mailing (day/month/year) 28 APR 2003
International application No. PCT/IB02/03607	International filing date (day/month/year) 06 September 2002 (06.09.2002)
Applicant MEDINOL, LTD.	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombes,
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

CASE 04303-4004PC ATTY K

DUE June 28, 2003 (Art. 19)

1 mo. call-up May 28, 2003

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 *bis*.1 and 90 *bis*.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Commissioner for Patents Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer  (Jackie) Tan-Uyen T. Ho Telephone No. (703) 308-0858
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 4303-4004PC	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/IB02/03607	International filing date (day/month/year) 06 September 2002 (06.09.2002)	(Earliest) Priority Date (day/month/year) 10 September 2001 (10.09.2001)
Applicant MEDINOL, LTD.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

CASE _____ ATTY _____

DUE _____

1 mo. call up _____

BY _____

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. Fig. 10



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IB02/03607

Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The abstract is too long (PCT Rule 8.1(b)). The abstract must be less than 150 words, or 200 words when no figure is to be published.

NEW ABSTRACT

An intravascular stent (fig. 10) especially suited for implanting in curved arterial portions. The stent (fig. 10) is formed of intertwined meander patterns forming triangular cells (804). The triangular cells (804) are adapted to provide radial support, and longitudinal flexibility after expansion. The triangular cells (804) provide increased coverage of a vessel wall. The stent (fig. 10) can have different portions adapted to optimize radial support or to optimize longitudinal flexibility. The stent (fig. 10) is curved and cells on the outside of the curve open in length, but narrow in width whereas cells on the inside of the curve shorten in length but thicken in width to maintain a density of stent element area which much more constant than otherwise between the inside and the outside of the curve. As a result, when the stent is coated with a medicine the more constant density of stent elements results in an even dose being applied to the inside wall of the lumen, avoiding the possibility that a toxic dose be supplied at one area while a less than effective dose is applied to another area.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IB02/03607

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61F 2/06

US CL : 623/1.15

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 623/1.15, 1.12-1.2, 1.35

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
None

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
EAST

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,P	US 2002/0055770 A1 (DORAN et al.) 09 May 2002, see figs. 1-7.	1-30
X,P	US 2002/0103529 A1 (PINCHASIK et al.) 01 August 2002, see fig. 10.	1-41

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	"&" document member of the same patent family

Date of the actual completion of the international search

21 March 2003 (21.03.2003)

Date of mailing of the international search report

28 APR 2003

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703)305-3230

Authorized officer:

(Jackie) Tan-Uyen T. Ho

Telephone No. (703) 308-0858

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
KEITH J. MCWhA
MORGAN & FINNEGAN, L.L.P.
345 PARK AVENUE
NEW YORK, NY 10154

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 4303-4004PC	Date of Mailing (day/month/year) FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/IB02/03607	International filing date (day/month/year) 06 September 2002 (06.09.2002)
Applicant MEDINOL, LTD.	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

CASE 04303-4604PC ATTY K
DUE May 28, 2003
1 mo. call-up

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Commissioner for Patents Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer  (Jackie) Tan-Uyen T. Ho Telephone No. (703) 308-0858
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MORGAN & FINNEGAN LLP

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

To: KEITH J. MCWHA MORGAN & FINNEGAN 315 PARK AVE. NEW YORK, NEW YORK 10151	CASE <u>04303-4006 PC</u> ATTY <u>KJM</u> DUE <u>May 26, 2003 (U.S. Suppl. IDS)</u> 1 mo. call-up <u>April 26, 2003</u> BY <u>J.M.</u>
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Date of Mailing (day/month/year)	26 FEB 2003
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Applicant's or agent's file reference 4303-4003PC	FOR FURTHER ACTION . See paragraphs 1 and 4 below
International application No. PCT/IB02/01746	International filing date (day/month/year) 21 MAY 2002
Applicant MEDINOL, LTD.	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes, 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US
 Commissioner of Patents and Trademarks
 Box PCT
 Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized Officer

VY Q. BUI

Telephone No. (703) 306-2496

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference #303-4003PC	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB02/01746	International filing date (day/month/year) 21 MAY 2002	(Earliest) Priority Date (day/month/year) 25 MAY 2001
Applicant MEDINOL, LTD.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
2. ☐ **Certain claims were found unsearchable** (See Box I).
3. ☐ **Unity of invention is lacking** (See Box II).
4. With regard to the **title**,
- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows: _____

1 mo. call-up _____

5. With regard to the abstract,

- ☐ the text is approved as submitted by the applicant.
- ☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 5

- ☐ as suggested by the applicant.
- ☐ because the applicant failed to suggest a figure.
- ☒ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IB02/01746

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61F 2/06; A61M 29/00.

US CL : 606/108, 191, 192, 194, 195, 198; 623/1.1-1.2.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 606/108, 191, 192, 194, 195, 198; 623/1.1-1.2.

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EAST

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6,231,598 A (BERRY et al) MAY 15, 2001, Fig. 5.	1-8, 10-20, 22-25, 27-35, 37-44 and 46-48

☐

Further documents are listed in the continuation of Box C.

☐

See patent family annex.

Special categories of cited documents:		"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A"	document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E"	earlier document published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Z"	document member of the same patent family
"O"	document referring to an oral disclosure, use, exhibition or other means		
"P"	document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

09 SEPTEMBER 2002

Date of mailing of the international search report

26 FEB 2003

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
Box PCT

Authorized officer

VY O RUH

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: KEITH J. MCWHA
MORGAN & FINNEGAN
345 PARK AVE.
NEW YORK, NEW YORK 10154

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

Date of Mailing
(day/month/year) **26 FEB 2003**

Applicant's or agent's file reference
4303-4003PC

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/IB02/01746

International filing date
(day/month/year)
21 MAY 2002

Applicant
MEDINOL, LTD.

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

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In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

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Washington, D.C. 20231

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VY Q. BUI

Telephone No. (703) 306-9496